

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MONICA L. DECKARD,
a.k.a. MONICA LYNN DECKARD,
a.k.a. MONICA L. WASHINGTON,
a.k.a. MONICA L. STRAND
6751 Gorge View Drive
Placerville, CA 95667

Registered Nurse License No. 490051

Respondent.

Case No. 2007-233

OAH No. 2007120616

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 15, 2008.

It is so ORDERED May 15, 2008.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
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Attorneys for Complainant

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Registered Nurse License No. 490051
Respondent.

Case No. 2007-233

OAH No. 2007120616

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Elena L. Almanzo, Deputy Attorney General.

2. Respondent Monica Deckard, RN Monica Deckard, RN (Respondent) is
representing herself in this proceeding and has chosen not to exercise her right to be represented
by counsel.

3. On or about March 31, 1993, the Board issued Registered Nurse License

1 Number 490051 to Monica L. Deckard, also known as Monica Lynn Deckard, Monica L.
2 Washington, and Monica L. Strand ("Respondent"). Respondent's registered nurse license was
3 in full force and effect at all times relevant to the charges brought herein and will expire on
4 February 28, 2009, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2007-233 was filed before the Board of Registered
7 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
8 The Accusation and all other statutorily required documents were properly served on Respondent
9 on March 12, 2007. Following the entry of a Default Decision, Respondent was granted
10 reconsideration and a hearing in this matter. A copy of Accusation No. 2007-233 is attached as
11 exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations
14 in Accusation No. 2007-233. Respondent has also carefully read, and understands the effects of
15 this Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. 2007-233 as amended, and agrees that cause exists for discipline and hereby
28 surrenders her Registered Nurse License No. 490051 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 490051, issued to Respondent MONICA L. DECKARD, a.k.a. MONICA LYNN DECKARD, a.k.a. MONICA L. WASHINGTON, a.k.a., MONICA L. STRAND is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a

1 part of Respondent's license history with the Board.

2 14. Respondent shall lose all rights and privileges as a Registered Nurse in
3 California as of the effective date of the Board's Decision and Order.

4 15. Respondent shall cause to be delivered to the Board both her wall and
5 pocket license certificate on or before the effective date of the Decision and Order.

6 16. Respondent fully understands and agrees that if she ever files an
7 application for licensure or a petition for reinstatement in the State of California, the Board shall
8 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
9 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
10 and all of the charges and allegations contained in Accusation No. 2007-233 shall be deemed to
11 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
12 the petition.

13 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of Ten Thousand Four Hundred Thirty-Three Dollars and Twenty-
16 Five Cents (\$10,433.25). Respondent shall be permitted to pay these costs in a payment plan
17 approved by the Board.

18 18. Should Respondent ever apply or reapply for a new license or certification,
19 or petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 2007-233 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 19. Respondent shall not apply for licensure or petition for reinstatement for
24 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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02/27/2008 13:54 FAX 916 324 3567

Att Gen Office-16th Flr

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order, the stipulation and the effect it will have on my Registered Nurse License No. 49002, and I agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 02-28-2008

Monica L. Deckard
Monica L. Deckard
Respondent


1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully
3 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
4 Affairs.

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6 DATED: 2/28/08

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8 EDMUND G. BROWN JR., Attorney General
9 of the State of California

10 ARTHUR D. TAGGART
11 Supervising Deputy Attorney General

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14 ELENA L. ALMANZO
15 Deputy Attorney General

Attorneys for Complainant

16 DOJ Matter ID: SA2006103326
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Exhibit A
Accusation No. 2007-233

BILL LOCKYER, Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
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Attorneys for Complainant

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6751 Gorge View Drive
Placerville, CA 95667

A C C U S A T I O N

Registered Nurse License No. 490051

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about March 31, 1993, the Board issued Registered Nurse License Number 490051 to Monica L. Deckard, also known as Monica Lynn Deckard, Monica L. Washington, and Monica L. Strand ("Respondent"). Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

(a) Unprofessional conduct . . .

6. Code section 2762 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022 . . .

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

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1 (b) Any device that bears the statement: "Caution: federal law restricts this
2 device to sale by or on the order of a -----," "Rx only," or words of similar
3 import, the blank to be filled in with the designation of the practitioner licensed to
4 use or order use of the device.

5 (c) Any other drug or device that by federal or state law can be lawfully
6 dispensed only on prescription or furnished pursuant to Section 4006.

7 8. Health and Safety Code section 11170 states that no person shall prescribe,
8 administer, or furnish a controlled substance for himself.

9 9. Health and Safety Code section 11173, subdivision (a), states, in pertinent
10 part:

11 No person shall obtain or attempt to obtain controlled substances, or
12 procure or attempt to procure the administration of or prescription for controlled
13 substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

14 10. Code section 125.3 provides, in pertinent part, that the Board may request
15 the administrative law judge to direct a licentiate found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE

19 11. "Norco", a brand of hydrocodone bitartrate and acetaminophen, is a
20 Schedule III controlled substance as designated by Health and Safety Code section 11056,
21 subdivision (e)(4).

22 12. "Soma", a brand of Carisoprodol, is a dangerous drug within the meaning
23 of Business and Professions Code section 4022 in that it requires a prescription under federal
24 law.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Prescribing Controlled Substances and Dangerous Drugs)**

3 13. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
5 2762, subdivision (a), in that on or about June 3, 2005, while on duty as a registered nurse at
6 Shingle Springs Tribal Healthcare Program Clinic, Shingle Springs, California, Respondent
7 prescribed the controlled substance Norco and dangerous drug Soma for herself. On the date
8 indicated above, Respondent telephoned or called in prescriptions for 180 tablets of Norco and
9 120 tablets of Soma for herself to Bel-Air Pharmacy, located at 3510 Palmer Drive, Cameron
10 Park, California. Further, Respondent falsely identified herself as T. M., a medical assistant at
11 the clinic, and falsely represented to pharmacy staff that the prescriptions had been ordered or
12 authorized by Dr. J. V. (the prescriptions were not filled by pharmacy staff).

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Attempt to Obtain Controlled Substances)**

15 14. Respondent is subject to disciplinary action pursuant to Code section
16 2761, subdivision (d), in that on or about June 3, 2005, while on duty as a registered nurse at
17 Shingle Springs Tribal Healthcare Program Clinic, Shingle Springs, California, Respondent
18 attempted to obtain the controlled substance Norco by fraud, deceit, misrepresentation, or
19 subterfuge, in violation of Code sections 2761, subdivision (a), and 2762, subdivision (a), and
20 Health and Safety Code section 11173, subdivision (a), as set forth in paragraph 13 above.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 490051, issued
25 to Monica L. Deckard, also known as Monica Lynn Deckard, Monica L. Washington, and
26 Monica L. Strand;

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1 2. Ordering Monica L. Deckard, also known as Monica Lynn Deckard,
2 Monica L. Washington, and Monica L. Strand, to pay the Board of Registered Nursing the
3 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
4 Professions Code section 125.3;

5 3. Taking such other and further action as deemed necessary and proper.
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7 DATED: 2/21/07
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9
10 Ruth Ann Terry
11 RUTH ANN TERRY, M.P.H., R.N.
12 Executive Officer
13 Board of Registered Nursing
14 Department of Consumer Affairs
15 State of California

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27 Complainant
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